

## North Kingstown

[PART III - REVISED ORDINANCES](#) >> [Chapter 8 - HEALTH AND SANITATION](#) >> [ARTICLE XI. - ACCESS BY MINORS TO TOBACCO PRODUCTS](#) >>

### **ARTICLE XI. - ACCESS BY MINORS TO TOBACCO PRODUCTS**

[Sec. 8-271. - Statement of public policy.](#)

[Sec. 8-272. - Purpose, title and scope.](#)

[Sec. 8-273. - Definitions.](#)

[Sec. 8-274. - Access by minors to tobacco products or tobacco paraphernalia prohibited.](#)

[Sec. 8-275. - Powers and duties of police department for enforcement.](#)

[Sec. 8-276. - Penalties for violation.](#)

[Sec. 8-277. - Effective date and non-conforming users.](#)

Sec. 8-271. - Statement of public policy.

It is the declared policy of this town that it is in the public interest to prohibit self-service sales, self-service displays, self-service racks, self-service shelves, or any physical access by minors of tobacco products or tobacco paraphernalia or emerging tobacco products within a licensed mercantile establishment, except in those premises to which access by minors is not allowed.

(Ord. No. 11-08, § 1, 4-25-2011)

Sec. 8-272. - Purpose, title and scope.

(a)

The purpose of this article is to control the access by minors to tobacco products or tobacco paraphernalia or emerging tobacco products offered for sale within a licensed mercantile establishment.

(b)

This article may be cited as the "Access by Minors to Tobacco Products Ordinance of the Town of North Kingstown."

(c)

This article shall apply to the control of all tobacco products or tobacco paraphernalia or emerging tobacco products sold within the town limits, excepting those establishments who do not admit minors at any time.

(Ord. No. 11-08, § 1, 4-25-2011)

Sec. 8-273. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business* means any sole proprietorship, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold.

*Emerging tobacco products* means any tobacco-like products other than cigarettes or cigars containing nicotine or tobacco. This includes but not limited to smokeless tobacco, dissolvable which include pellets, sticks, film strips and single-use lozenges, pouches, pills, capsules, and cigarette-like cigars. Products that are nicotine delivery products approved for tobacco cessation through Food and Drug Administration (FDA) are exempt from this definition.

*Exempt business* means any business except tobacco specialty stores that does not allow anyone under 18 years of age to enter unless accompanied by an adult. These establishments will be exempt from the ordinance as written.

*Licensed retail mercantile establishment* means a tobacco retailer licensed to sell tobacco by the State of Rhode Island.

*Person* shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

*Self-service display* means the open display of tobacco products or tobacco paraphernalia or emerging tobacco products in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.

*Self-service merchandising* means open display of tobacco products, tobacco paraphernalia, or emerging tobacco products and point-of-sale tobacco products that the public has access to without the intervention of an employee.

*Tobacco paraphernalia* means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.

*Tobacco product* means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

*Tobacco retailer* means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, tobacco paraphernalia, or emerging tobacco products.

*Tobacco retailing* means the selling, offering for sale, or offering to exchange for any form of consideration, tobacco, tobacco products, tobacco paraphernalia or emerging tobacco products. This definition is without regard to the quantity of tobacco, tobacco products, tobacco paraphernalia, or emerging tobacco products sold, offered for sale, exchanged, or offered for exchange.

*Tobacco specialty store* shall mean a tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

*Vending machine* means a machine, appliance, or other mechanical device operated by currency, token, debit card, or credit card that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

(Ord. No. 11-08, § 1, 4-25-2011)

[Sec. 8-274. - Access by minors to tobacco products or tobacco](#) paraphernalia prohibited.

No person, business, or licensed retail mercantile establishment, except a tobacco specialty store, shall permit self-service merchandising or self-service display of tobacco products or tobacco paraphernalia or emerging tobacco products.

(Ord. No. 11-08, § 1, 4-25-2011)

Sec. 8-275. - Powers and duties of police department for enforcement.

(a)

The access by minors to tobacco control program established by this article shall be implemented, administered and enforced by the town police department.

(b)

To implement and enforce this article, the police department shall have the additional power to:

(1)

Conduct research, monitoring and other studies related to access by minors to tobacco products or tobacco paraphernalia or emerging tobacco products.

(2)

Enter and inspect, upon presentation of proper credentials, any licensed retail mercantile establishment to determine compliance with this ordinance.

(3)

Issue violations and municipal court summons, when appropriate, to those in violation of this ordinance.

(Ord. No. 11-08, § 1, 4-25-2011)

Sec. 8-276. - Penalties for violation.

Any person found to be in violation of this article shall be punished as follows:

(1)

The first offense shall be punished by a fine of \$50.00.

(2)

The second offense shall be punished by a fine of \$100.00.

(3)

The third offense and all subsequent offenses shall be punished by a fine of \$200.00.

(Ord. No. 11-08, § 1, 4-25-2011)

Sec. 8-277. - Effective date and non-conforming users.

(a)

The effective date of this ordinance shall be 30 days from the date of its enactment.

(b)

Self-service displays that were in place at the time this ordinance was enacted may remain in place for no more than 30 days after the effective date.

(Ord. No. 11-08, § 1, 4-25-2011)